

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MARK WAGENHOFFER, :
Plaintiff, : Civil Action No. 07-3810(RBK)
: :
v. : ORDER
: :
KATHY IRELAND, et al., :
Defendants. : :

For the reasons expressed in the Court's Opinion filed
herewith,

It is on this 20th day of November, 2007,
ORDERED that, pursuant to 28 U.S.C. § 1915(a) and (b), the
application by plaintiff to proceed in forma pauperis is hereby
granted; and it is further

ORDERED that the Clerk of the Court is directed to file the
Complaint without prepayment of the filing fee; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk
shall serve a copy of this Order by regular mail on the Attorney
General of the State of New Jersey and on the Warden or
Administrator at Talbot Hall in Kearny, New Jersey, where
plaintiff presently is confined; and it is further

ORDERED that plaintiff is assessed a filing fee of \$350.00
which shall be deducted from plaintiff's prison account pursuant
to 28 U.S.C. § 1915(b)(2) in the manner set forth below,
regardless of the outcome of the litigation; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 fee is paid, each month that the amount in plaintiff's prison account exceeds \$10.00, the agency having custody of plaintiff shall assess, deduct from his account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to plaintiff's prison account, with each payment referencing the civil docket number of this action; and it is further

ORDERED that plaintiff's claims alleging denial of procedural due process and unlawful classification/custody level status, as asserted against defendants Ireland, Puglisi, Kinchen and the SSCF Chairman of Classification, are DISMISSED WITH PREJUDICE for failure to state a claim, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1); and it is further

ORDERED that plaintiff's claims alleging denial of access to the courts (law library and person trained in the law), retaliation, and interference with legal mail, as asserted against the remaining defendants, SHALL PROCEED at this time; and it is further

ORDERED that the Clerk of the Court shall issue summons, and the United States Marshal shall serve a copy of the Complaint, summons, and this Order upon the remaining defendants, pursuant to 28 U.S.C. § 1915(d), with all costs of service advanced by the United States; and it is further

ORDERED that the remaining defendants shall file and serve a responsive pleading within the time specified in Federal Rule of Civil Procedure 12, pursuant to 42 U.S.C. § 1997e(g)(2); and it is further

ORDERED that plaintiff's request for appointment of counsel (Docket Entry No. 3) is DENIED WITHOUT PREJUDICE at this time; and it is finally

ORDERED that plaintiff's motion for a preliminary injunction (Docket Entry No. 4) is denied.

s/Robert B. Kugler

ROBERT B. KUGLER

United States District Judge